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DEPARTMENT OF STATE

Memorandum of Conversation

DATE: December 3, 1958

SUBJECT: The Soviet Note of November 28 to the French Government.

PARTICIPANTS: M. Olivier Manet, Counselor, French Embassy
EUR - Mr. Kohler
GER - Mr. Lampson

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DEC 5 - 1958

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M. Manet brought with him a copy of an analysis of the Soviet Note of November 28 prepared in the Quai d'Orsay. (An unofficial translation is attached.) He said it should be treated as an unofficial paper but that he would like to compare the views expressed therein with the current thinking of the Department.

Mr. Kohler found the paper a very good analysis and thought it must be the work of M. Laloy. Our views, he said, were running along the same lines. He then drew attention to later remarks made by Khrushchev in a subsequent press conference and by East German leaders, pointing out that the language used on these occasions seemed to give a little more room for maneuver than the language of the Note itself which provided almost no room for retreat.

He then commented that the Note represented no real change in Soviet position. The Soviets had earlier sought to end the quadripartite status of Berlin by means of their proposal for the negotiation of a peace treaty between the two Germanies which would have eliminated any basis for the Four Powers exercising a voice in German affairs. This most recent demarche was more direct. It called directly for the immediate termination of occupation functions in Berlin.

Mr. Kohler then pointed out that this Soviet action could be considered on several levels. On one level it was part of a general campaign to keep the world in a state of tension, turmoil and nervousness. It was another battle in the campaign of which Communist actions in the Middle and Far East had been earlier engagements. On another level the Note was a continuation of the battle for

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Germany. This was also a long-range campaign looking forward to the period after Adenauer's death. The present action was designed to encourage feelings of helplessness, hopelessness, and defeatism among the faint-hearted. At still another level it was aimed at slowing down the rearmament of Germany which would in itself be a major accomplishment in the battle for Germany.

M. Manet said that he had been struck in reading the Note that the Soviets seemed to have left no room for retreat.

Mr. Kohler then turned to the comments in the French paper regarding Berlin as a basis for Allied operations against the Communist Bloc. He said that the Note did not mention the main Communist concern on this level because they could not afford to draw attention to this question. They wanted to close the escape route to the West. He agreed, however, that it might be well to review what our agencies are doing in Berlin but believed that a desire to eliminate these activities was only of secondary importance in Soviet calculations.

M. Manet indicated that the French had some reservations about issuing a white paper to refute the falsifications of history contained in the Note. They felt it would take too long to prepare such a paper.

Mr. Kohler replied that what we had in mind was a really good propaganda pamphlet rather than an exhaustive white paper. He thought there would have to be some reference to these errors in our reply, however. This might be handled by saying that the Soviet version of history was extraordinarily distorted. The world had not forgotten the Ribbentrop-Molotov Pact, the division of Poland, the neutrality agreement with Japan, etc.

Mr. Kohler agreed that the immediate objective of the Soviet Union was to get us out of Berlin. He also agreed with the French characterization of the Note as a delayed ultimatum but pointed out again that later statements had suggested there might be a little more room for maneuver.

He then went on to discuss preliminary thinking about the form our reply might take. We were thinking that maybe we should send a reply containing an offer to negotiate on all phases of the German question. The Soviets would probably refuse this. We might then take the matter to the International Court which would not be able to take action because the Soviet Union would refuse to submit to its jurisdiction. Then we could take the Berlin question up in the Security Council as constituting a threat to the peace. The Soviet Union would exercise their veto. At this point we would have exhausted all the available peaceful remedies and would be in the best possible moral position in which to resort to force to maintain our rights if this proved necessary. We might then have to put convoys through, seize checkpoints and take over the air corridors and the rail paths. In our estimation the Soviet Union would not take any action in such a situation that would provoke a general war. It is even conceivable that they would leave us in control of the access routes to Berlin and mount a gigantic propaganda campaign about western militarism and aggressiveness and Soviet love of peace shown by their refusal to go to war over the question.

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Mr. Kohler also pointed out that we would have to bear in mind that we had several proposals now formally before the Soviets calling for negotiations on the German question. One was presented by the Western Ambassadors in Moscow last spring in connection with preparations for a possible summit meeting; the other was in the form of western support for the proposal of the Federal Republic that a Four-Power group be constituted to discuss the German question. Technically we are still waiting on the reply of the Soviets to these previous offers.

M. Manet then expressed a personal thought that we might capitalize on the Soviets' reference to "Free Berlin" and to the UN by proposing free elections in all-Berlin under UN auspices. Mr. Kohler agreed that this possibility should be explored. However, whatever we did would have to be done in such a way as to cast no doubt upon our rights in Berlin which we had won by military victory and which we must hold intact until a peace treaty.

M. Manet asked if we had any information about the conversation between Khrushchev and Senator Humphrey. Mr. Kohler replied that the only report we had received so far from Ambassador Thompson had dealt with the disarmament negotiations in Geneva. Humphrey believed Khrushchev was genuinely interested in reaching some kind of an agreement on the cessation of testing and he thought that in the end he would agree to some form of control. He felt, however, that it was clear that the negotiations on surprise attack were not going to get anywhere.

Attachment:

Unofficial translation of French
analysis of Soviet Note of
November 28.

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Attachment

AN ANALYSIS OF THE SOVIET NOTE OF NOVEMBER 28 ON BERLIN

1. The most remarkable aspect of the Soviet Note of November 28 is the way in which its brutality is masked behind an apparent suppleness. Mr. Khrushchev does not wish to "annex" West Berlin; he will make it a "Free City". He does not insist on immediate satisfaction; he will wait six months. But during these six months he will only agree to discussing variants of his plan; at the end of these six months he will act so as to oblige the Western Allies either to address themselves to the Republic of Pankow or to get out.
2. Thus the line drawn is one of great firmness. It opens up hardly any possibilities of negotiation. In our opinion this is the first time that the Government of the USSR in opening such an important diplomatic campaign has presented such a vigorous program and has allowed itself so little room for retreat. From this we draw the conclusion that the crisis will be serious and that the Government of the USSR is going to engage itself strongly in its action against the West.
3. Mr. Khrushchev cannot fail to know that his propositions are unacceptable in their form because they constitute a threat, no doubt delayed but basically precise, because to make West Berlin a capitalist island in a Communist state can only lead to the rapid absorption of the city by the GDR under the impartial eye of the UN. Thus he expects us to reject them but his period of six months will, he thinks, have given proof of his magnanimity and our refusal proof of our bad faith.
4. The argumentation of the Note does not appear, taken as a whole, to be very difficult to refute. First, our presence in Berlin is put in question under the pretext that the agreements at the end of the war are annulled. But the denunciation of a recent agreement by virtue of the proverb "rebus sic stantibus" has never been considered very convincing. Mr. Khrushchev then accuses us of having violated the Potsdam Agreements. But he takes as an example the suppression of the deliveries to the USSR of reparations from the American Zone decided upon by General Clay on May 26, 1946 because the Soviet Zone did not contribute in any way to the economic equilibrium of Germany. The text of the Potsdam Agreement is so general that it is impossible to determine clearly the responsibilities for its being rapidly frittered away. Finally, Mr. Khrushchev complains of the subversive activities carried out by West Berlin against the Republic of Pankow. In this last area there may be some motive for protest and it would be good, as we have so often requested, for orders of prudence to be given to the many agencies which our Allies and also the municipality of West Berlin encourage at times without discrimination. But for all that we are not without arguments with which to reply to him.
5. Certain passages of the Note contain astonishing falsifications. Thus there is a passage concerning the events of 1939-40 according to which it was only after June 1940 that Great Britain and the United States "recognized their error" and "were to join with the Soviet Union in organizing a joint resistance to Germany ... and Japan."

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Further on the Soviet Government declares that in accordance with the spirit of Lenin it renounces all "territorial annexation".

6. The Note throws a crude light on the Soviet positions regarding reunification. The peoples would not tolerate reunification on a "militarized" basis, that is to say under a form which would destroy the republic of Pankow. In the confederation the two German Governments would exist but their foreign policy would become "pacific" and could therefore be "unified". Finally, in case the Western Powers should agree to return to Potsdam, the two German states would exist equally but their armed forces would be reduced and each of them would quit the defense organization to which it adheres. In neither of the hypotheses envisaged does the USSR accept the least injury to the regime instituted by Mr. Ulbricht.

7. The formula which is proposed to us as the only basis for discussion is founded upon the denunciation pure and simple of the agreements of 1944-1945 considered from now on by the USSR as lapsed. Taking this as the point of departure, the Government of the USSR announces that it will negotiate at the opportune moment with the Government of Pankow for the return to the latter of the last powers which it exercised in regard to the Western Allies (rights of access to Berlin).

Then solutions are sketched out:

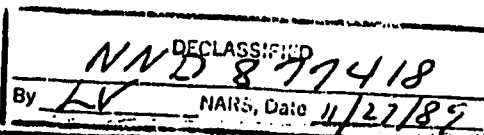
- a. Return to Potsdam (see paragraph 6).
- b. Surrender of all Berlin to the Republic of Pankow. But the USSR wishes to renounce this idea for the moment.
- c. Creation of a free city of West Berlin under the guarantee of the Four Powers and the surveillance of the UN.

The free city would agree to suppress all activities against the GDR or "any other state". She would negotiate with the municipality of East Berlin or with Pankow. The Federal Republic and the Republic of Pankow would negotiate equally together on this subject.

"If this proposition does not meet with the agreement of the French Government, all negotiations between the Four Powers on the problem of Berlin will become purposeless."

After which the Soviet Government announces, furthermore in ambiguous terms, that it will wait six months to put in motion its program and it concludes by declaring that when this period of time has passed "all violations of the frontier of the GDR will be considered by all the members of the Warsaw Pact as an act of aggression directed against all of them and will immediately call forth the appropriate response".

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8. The questions which this Note poses for us are many. There are three to be singled out upon which we would like to know the first thoughts of our Allies.

A. WHAT IS MR. KHRUSHCHEV AIMING AT?

In default of the acceptance of his program does he wish a conference held under threat which would bring him at a minimum the recognition of the GDR if not the Rapacki Plan? Does he simply aim at putting an end to the "cancer of Berlin" which he has always endured with impatience and which he now believes himself strong enough to suppress? Can he take other initiatives?

B. IS THE OFFER WHICH HAS BEEN MADE US
A DELAYED ULTIMATUM?

The text of the Note leads to a conclusion in this sense, it seems to us.

C. IS THERE PLACE FOR COUNTER-PROPOSALS
DEPARTING FROM THE CONTEXT, THAT IS TO
SAY, NOT CONTEMPLATING THE WITHDRAWAL
OF TROOPS?

In our opinion there is little. At the most, one might draw attention to a phrase according to which the USSR "will respect the choice of the inhabitants of West Berlin whatever it may be." But in fact this only applies to the "social regime" which they wish to adopt.

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